

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Curtis Marcell Smallwood,

Civil 13-63 MJD/FLN

Plaintiff,

v.

O R D E R

Lucinda Jesson,  
*Commissioner of Human Services,*

Defendant.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation [Doc. #14] by United States Magistrate Judge Franklin L. Noel dated August 2, 2013, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Respondent's motion to dismiss (ECF No. 8) is **GRANTED**.
2. Petitioner's Application for Writ of Habeas Corpus (ECF No. 1) is **DENIED** **WITHOUT PREJUDICE**.
3. Petitioner's Motion for Appointment of Counsel (ECF No. 7) is **DENIED** as moot.

DATED: September 5, 2013.

s/Michael J. Davis

CHIEF JUDGE MICHAEL J. DAVIS  
United States District Court